

In The United States Court of Federal Claims

Cover Sheet

Plaintiff(s) or Petitioner(s)

Names: Edward Thomas KennedyLocation of Plaintiff(s)/Petitioner(s) (city/state): 401 Tillase Rd.
Breinsville, PA 18031

(If this is a multi-plaintiff case, pursuant to RCFC 20(a), please use a separate sheet to list additional plaintiffs.)

Name of the attorney of record (See RCFC 83.1(c)): _____

Firm Name: _____

Contact information for pro se plaintiff/petitioner or attorney of record: (1)

Post Office Box: _____

Street Address: SAME

City-State-ZIP: _____

Telephone & Facsimile Numbers: _____

E-mail Address: Kennedy 2018 e ALUMNI. ND.Is the attorney of record admitted to the Court of Federal Claims Bar? ☐ Yes ☐ No edyNature of Suit Code: 465

Select only one (three digit) nature-of-suit code from the attached sheet.

Agency Identification Code: HHS

Number of Claims Involved: _____

Amount Claimed: \$ 12,000,000.00
Use estimate if specific amount is not pleaded.

Bid Protest Case (required for NOS 138 and 140):

Indicate approximate dollar amount of procurement at issue: \$ _____

Is plaintiff a small business? ☐ Yes ☒ NoWas this action preceded by the filing of a protest before the GAO? ☐ Yes ☒ NoIf yes, was a decision on the merits rendered? ☐ Yes ☒ No

Income Tax (Partnership) Case:

Identify partnership or partnership group: _____

Takings Case:

Specify Location of Property (city/state): _____

Vaccine Case:

Date of Vaccination: multiple dates - see Complaint.
1958 +

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Related Case:

Is this case directly related to any pending or previously filed case(s) in the United States Court of Federal Claims? If yes, you are required to file a separate notice of directly related case(s). See RCFC 40.2.

☐ Yes ☐ No

AUG - 6 2018

(1) objection to phrase 178 "pro se."

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

EDWARD THOMAS KENNEDY,

Plaintiff,

v.

Case No. _____

THE UNITED STATES,

Defendants,

Plaintiff's Original Complaint

INTRODUCTION

1. TAKE JUDICIAL COGNIZANCE

a. This court has jurisdiction over vaccine complaints. The Defendant, the United States is now exposed as a result of the lawsuit of Robert F Kennedy, Jr. and Del Bigtree.

b. Robert F. Kennedy and Del Bigtree filed papers in court, and they won their case. Simply stated, here is the issue in a nutshell: In 1986, a law, the National Childhood Vaccine Injury Act, was passed. It excused vaccine makers from legal liability stemming from unsafe vaccines and the injuries they cause.

c. Buried in the law was a provision ordering the US Department of Health and Human Services (HHS) to update Congress, every two years, on its efforts to improve vaccine safety.

d. Robert F Kennedy and Del Bigtree thought it would be very interesting to read these HHS reports—all 16 of them and filed a Freedom of Information Act request, and then...silence...nothing.... no replies.

e. Kennedy and Bigtree then went to court to obtain the information—and HHS admitted it has no such reports in its archives.

f. In other words, since 1988, the Defendant failed to update Congress on its efforts to improve vaccine safety, and the further implication is there are no reports because the Defendant has done absolutely nothing to improve vaccine safety in all these years.

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g. The original 1986 law removed all liability from vaccine makers because there was a safety problem, and that problem was and remains vaccine safety. Congress protected billions of dollars that could never be sought in court from vaccine manufacturers. Those lawsuits would henceforth be illegal. That was the substance of the law.

h. Question: did Congress recognize there was a serious vaccine safety problem? Answer: Congress charged HHS with doing something about vaccine safety, and ordered reporting to them (Congress) every two years. This never happened.

i. Thanks to the efforts of Kennedy and Bigtree, these matters are now exposed. The court judgement and relevant press release is Exhibit 2.

j. In 1986, vaccine makers went to the federal government and said they were going to get out of the vaccine business, because juries were awarding too much money in court, to parents of vaccine-injured children.

k. The feds basically said, "We'll pass a statute law eliminating those lawsuits," EVERYBODY AND HIS BROTHER KNEW VACCINE SAFETY WAS A MAJOR PROBLEM...Including the US Department of Health and Human Services, which was tasked with doing something about it in 1986.

l. Simply stated, Kennedy and Bigtree discovered there is no evidence Defendant lifted a finger these last 32 years.

m. Instead, they've lurched forward, introducing more and more vaccines into the childhood schedule—and never ran studies to measure the toxic effects of the increased load and dosages.

n. The Dept. of Health and Human Services (HHS), starting in 1988, was supposed to report every two years to the Congress, on ongoing efforts to improve vaccine safety. No reports were made.

So...why didn't they follow the law? nomorefakenews.com answers as follows:

One: Arrogance. Federal agencies will, when they think they can get away with it, ignore a law entirely. They'll pretend it doesn't exist.

Two: Following the law would have constituted a de facto admission that vaccine safety is a problem. If you need to update your efforts in that direction every two years, there is a serious problem. The federal government does not, under any circumstances, want to admit vaccines cause widespread harm.

Three: The CDC buys and sells \$4 billion worth of vaccines every year. Engaging in such huge business, while admitting vaccines are a continuing safety problem, doesn't

create a coherent picture. It raises many uncomfortable questions.¹

Four: Would the federal government want to open the door to more and more vaccine whistleblowers over the years?

o. Long-time CDC researcher, William Thompson, did blow the whistle on fraudulent MMR-vaccine-autism research, in 2014. Imagine Thompson and a few others spilling all the beans, telling everything they know about lying and cover-ups at the CDC during the past 30 years. You start digging a hole in a putrid place, all sorts of rank material is going to emerge.

p. What are the chances that, somewhere in the bowels of the CDC, among its 15,000 employees, there is one who knows—and might decide to explain—that the whole vaccination program is a scam and a hoax from the ground up; that vaccines don't really produce immunity, but do produce many severe neurological injuries (including fatal injuries); that unvaccinated children who are raised in a naturally healthy way are far better off than vaccinated children.

q. Would the federal government want to keep stirring the pot with ongoing probes of vaccine safety, and risk someone of conscience finally deciding to step out of the shadows and tell the whole truth?

r. Eventually, these HHS reports to Congress would attract a great deal of public attention, and open hearings would be forced into existence. Imagine, at one of these televised sessions, a CDC scientist of repute, at the end of his tether, saying, with great emphasis:

s. "The whole vaccine business is nonsense. For example, when we say large vaccine campaigns have wiped out such-and-so disease, that's a fairy tale. The vaccine does have an effect on the body. It can impair the body's immune system response, in which case you won't see the rashes and red bumps and other signs of a particular disease. But don't think for a second that means the disease has been wiped out. No. Because of the toxic vaccine, the immune system is made too weak to respond with power, and that's why you don't see the rashes develop. Instead, the vaccine causes other kinds of problems in the body. The problem could be neurological. It could be a chronic debilitating infection. No disease has really been wiped out...only the appearance has changed. The overall health of the child has gotten worse...and this is a very bad thing. We have to stop lying about it..."

t. Why in the world would the federal government increase the chance of something like that happening? No, much better to ignore the law, hope no one notices, never study vaccine safety, and never try to improve it. It's folly to think you can raise the

¹ CDC is an agency of the Defendant, and stands for Center for Disease Control, link at <https://www.cdc.gov/>.

lid on Pandora's Box a little bit. Better to try to nail that lid shut forever. However, that's not working.²

u. FRCP Rule 8. General Rules of Pleading

(a) Claim for Relief. A pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

v. Question: What kind of cases are heard by judges of the court?

Answer: As established by Congress in 1855, the purpose of the court is to allow ...claims for money against the federal government.... The court has nationwide jurisdiction.³

w. Question: What is the scope of the court's jurisdiction?

Answer: The court is authorized to hear primarily money claims founded upon the Constitution, federal statutes, executive regulations, and contracts (express or implied in fact) with the United States. The court's primary jurisdiction lies in 28 U.S.C. § 1491, known as the Tucker Act. Under this and other statutes passed by Congress, the court may hear a variety of specialized claims against the federal government including contract claims, bid protests, military pay claims, civilian pay claims, tax claims, Indian claims, takings claims, Congressional reference cases, vaccine injury claims, and patent and copyright claims.⁴

FIRST CAUSE OF ACTION – TRESPASS

PARTIES

2. Edward Thomas Kennedy, (hereinafter "Kennedy" or "Plaintiff") is one of the people of the Pennsylvania, and in this court of record his short and plain statement of the grounds for the court's jurisdiction is that this is a court of record, a common law court, and thus complains of The United States government and each of the following: United

² Sources; www.nomorefakenews.com and <https://jonrappoport.wordpress.com/2018/07/16/us-government-exposed-for-30-years-it-broke-the-law-on-vaccine-safety/>

³ Source; <https://www.uscfc.uscourts.gov/faqs>

⁴ Source; <https://www.uscfc.uscourts.gov/faqs>

States Department of Health and Human Services, hereinafter "Lawbreaker" and collectively "Lawbreakers" who are each summoned to answer and declare under penalty of perjury including their Attorneys, the said in a plea of trespass, trespass on the case, trespass on the case - vicarious liability, failure to provide a republican form of government, and negligence, to wit:

3. Each Lawbreaker exceeded their jurisdiction by either directly, through an agent, or in concert with another did cause Kennedy to be unlawfully injured with vaccines against his will, without jurisdiction or good cause.

4. Said Lawbreakers, without good cause, harmed Kennedy with vaccines. From the moment he was harmed till the present, Kennedy, under color of law, was kept from health freedom.

5. Although Kennedy objected to the assumed jurisdiction, those who kept him vaccine injured under color of law did not respond to any of his demands and requests for proof of jurisdiction.

6. Lawbreakers continued to assume the jurisdiction without proof of jurisdiction or any attempt at proof of jurisdiction.

7. Kennedy continues to be subject, under color of law, to the assumed jurisdiction, will and control of the Lawbreakers.

8. Through the courts, Kennedy encourages the government to obey the law. Kennedy notices this court that it is not his job to teach law to those who have a fiduciary duty to serve and protect him.

SPECIFICS

9. Each defendant acted in such a way, or failed to act in such a way, that Kennedy is deprived of his health freedom and liberty. Each defendant acted to deprive Kennedy of his health, or each defendant failed to act to prevent the loss by Kennedy of his health.

10. Further, each defendant is a willing participant in concert with each of the remaining defendants.

11. At all times mentioned in this action each defendant is the agent of the other, and in doing the acts alleged in this action, each is acting within the course and scope of said agency.

12. The following paragraphs describe what the Lawbreakers, under color of law, either acted or failed to act as obligated.

13. Each defendant exceeded his jurisdiction under color of law.

14. Each defendant acted in concert with the remaining defendants to affect the unlawful loss of health of Kennedy.

15. In 1986, a law, the National Childhood Vaccine Injury Act, was passed and excused vaccine makers from legal liability stemming from unsafe vaccines and the injuries they cause.

16. Buried in the law was a provision ordering Defendant United States Department of Health and Human Services to update Congress, every two years, on its efforts to improve vaccine safety. Since 1988, Lawbreaker failed to update Congress on its efforts to improve vaccine safety. There are no reports because Lawbreaker did nothing to improve vaccine safety since 1953.

17. The 1986 law removed all liability from vaccine makers.

18. Congress protected billions of dollars that could never be sought in court from vaccine manufacturers. Those lawsuits would henceforth be illegal and that was the substance of the statute.

19. Congress recognized there was a serious vaccine safety problem and they charged Defendant United States Department of Health and Human Services with doing something about it, and reporting to them (Congress) every two years. This never happened.⁵

20. In 1986, vaccine makers went to the federal government and said they were going to get out of the vaccine business, because juries were awarding too much money in court, to parents of vaccine-injured children. The feds basically said, "We'll ram through a law eliminating those lawsuits," and they did which included the US Department of Health and Human Services, which was tasked with doing something about it in 1986.

21. And now it's discovered there is no evidence they complied with the statute for these last 32 years.

22. Instead, the federal government lurched forward, introducing more and more vaccines into the childhood schedule—and never running studies to gauge the toxic effects of the increased load.

23. Kennedy was vaccinated against his will by Defendant in childhood and as an adult. The Center for Disease Control, (CDC), an agency of Defendant the United States, has admitted that between 1955–1963 over 98 million Americans received one or

⁵ See Exhibit 2, for this is now exposed and presented as evidence in this complaint.

more doses of a polio shot which was contaminated with a cancer-causing virus called Simian vacuolating virus 40 (SV40). The CDC quickly took down the page, along with Google, but the site was luckily cached and saved and now symbolizes this grand admission at Exhibit 3, two (2) pages.

24. Plaintiff Kennedy received without his consent

a. between 1955–1963 one or more doses of a polio shot contaminated with a cancer-causing virus called Simian vacuolating virus 40 (SV40),

b. the Tetanus vaccine, also known as tetanus toxoid (TT), during childhood and

c. multiple "Flu" vaccines, all without consent under color of law.

25. Defendant United states has a duty to not cause Plaintiff Kennedy to be injured and/or harmed under color of law, to not cause loss of liberty or loss of health freedom.

26. Further, defendants have a duty to prove jurisdiction when objection to jurisdiction is asserted.

27. Defendant United States has breached that duty.

28. The damages for the injury caused by defendants' actions are \$1,000 for each day of unlawful behaviors for each defendant.

29. The damages for the injury caused by defendant's' absence of required action is \$5,000 for each failure to act.

SECOND CAUSE OF ACTION – TRESPASS ON THE CASE

30. Paragraphs 1 through 29 are included by reference as though fully stated herein.

31. By right, Kennedy reasonably expects to proceed without injury, secure in his capacities. By right, Kennedy reasonably expects to exercise his right to health freedom.

32. Defendants have a legal duty to use due care and not cause an injury to Plaintiff Kennedy or interfere with said rights in any way.

33. Defendants breached that duty by proximately or legally, directly and indirectly, causing the injuries to Plaintiff Kennedy.

34. The damages claimed are all a result of the injuries.

THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY

35. Paragraphs 1 through 34 are included by reference as though fully stated herein.

36. Power is never without responsibility. And when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself.

37. The purpose of imposing vicarious liability is to insure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect themselves. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to affect others or, at the very least, it must provide a link in the chain of exposing the ultimate

victim to the actor. The vicariously liable defendant must be in the business of controlling, leasing, bailing, or licensing the actors.

38. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors. Each defendant is vicariously liable for each instance of injury to plaintiff.

FOURTH CAUSE OF ACTION – FAILURE TO PROVIDE A REPUBLICAN FORM OF GOVERNMENT

39. Paragraphs 1 through 38 are included by reference as though fully stated herein.

40. Kennedy wishes Defendants to not breach their fiduciary duty to Kennedy. Kennedy wishes Defendants to not breach their oaths of offices.

41. Defendants neglected to enforce their rules for 30 years against we the people for personal and corporate financial gain of the vaccines manufacturers.

42. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4). No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority.

43. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy. The business model of the United States Department of Health and Human Services is based on a foundation of deceptions, lies and fraud.

44. The damages claimed are all a result of the injuries.

FIFTH CAUSE OF ACTION - NEGLIGENCE

45. Paragraphs 1 through 44 are included by reference as though fully stated herein.

46. Defendant United States and its agency Department of Health and Human Services is negligent evidenced by Exhibit 2.

47. The damages claimed are all a result of the injuries.

LAW OF THE CASE

48. Exhibit "1" is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.⁶

49. The Judge assigned to administrate this case has a fiduciary duty to the Plaintiff, and Kennedy wishes a Judge and NOT a Senior Judge.

50. Modern Attorneys representing Defendant shall present paperwork sworn or declared under penalty of perjury.

REQUEST FOR RELIEF

51. For that cause of action therefore Plaintiff brings his suit.

52. WHEREFORE, Plaintiff prays judgment against Defendant as follows:

On all causes of action:

53. For general damages in the sum of \$1,000 for each day of unlawful behaviors for each defendant, or \$1,000,000.00 from each defendant, whichever is greater;

⁶ See the use of dictionaries by the Supreme Court of the United States, by Kevin Werbach, titled Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994).

54. For damages for the injury caused by defendant's' absence of required actions of \$5,000 for each failure to act; or \$5,000,000.00 from each defendant, whichever is greater;

55. That the court enter a declaratory judgment that defendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law, but under color of law;

56. That the court enter a declaratory judgment that defendants have acted contrary to constitutional right, power or privilege;

57. That the court enter a declaratory judgment that defendants' actions were in excess of statutory jurisdiction, authority and short of statutory right;

58. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and health freedom;

59. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and honor their fiduciary duty to Kennedy;

60. For interest as allowed by law;

61. For costs of suit incurred;

62. That the court grant his attorneys fees; and

63. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: August 1, 2018, County of Lehigh, Pennsylvania.

A handwritten signature in black ink, appearing to read 'ST RK J', written over a horizontal line.

SEAL

Edward Thomas Kennedy
401 Tillage Road
Breinigsville, Pennsylvania
Email: kennedy2018@alumni.nd.edu
Telephone: 415-275-1244.

CERTIFICATE OF SERVICE

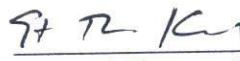
I certify that on August 1, 2018 that filed a copy of the above Action for Trespass Certificate of Service and Exhibit 1 Law of the Case, Exhibit 2, the Kennedy-Bigtree court judgement and relevant press release, and Exhibit 3 Google cached and saved CDC pages, with the Clerk of the Court for at the United States Court of Federal Claims at Howard T. Markey National Courts Building, 717 Madison Place, N.W., Washington, DC 20439, prepaid, by regular US mail and served by email as indicated herein to the following:

Notice to principal is notice to agent; notice the agent is notice to principal.

For the United States, United States of America, the United States Government, to:

Jefferson Beauregard Sessions, Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Email only: sean.king@usdoj.gov

Sean T. King, Trial Attorney
Commercial Litigation Branch Civil Division
United States Department of Justice
PO Box 480
Ben Franklin Station
Washington, DC 20044
Email only: sean.king@usdoj.gov



Edward Thomas Kennedy

SEAL

Exhibit 1

nine (9) pages

LAW OF THE CASE

1. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994)).

2. In a court of record, a judge has no discretion. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court.

3. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:

- a. when he is performing a non-judicial act, or
- b. when he acts in the complete absence of all jurisdiction.

4. Statutes are expressions of will from the legislature. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.

5. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.

6. The California 1879 Constitution defines all California courts to be courts of record.

7. Commonwealth of Pennsylvania maintains confusion and deception with multiple versions of its Constitution. Commonwealth of Pennsylvania has had five versions of constitutions 1776, 1790, 1838, 1874, and 1968. See John J. Kennedy, Pennsylvania Government and Politics, 1st Edition, Cognella publisher, 2018. Chapter 3, pages 79 to 90.)

8. "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," (Preamble - Universal Declaration of Human Rights)

9. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court. The mere keeping of a record does not qualify any court to be a court of record.

10. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record. For the full explanation, see <https://www.1215.org/lawnotes/lawnotes/courtrec.htm>.

11. In California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is a court of no record if it does not conform to the remaining three requirements for a lawful court of record.

12. A court of record is a court which must meet the following criteria:

1. generally has a seal
2. power to fine or imprison for contempt
3. keeps a record of the proceedings
4. proceeding according to the common law (not statutes or codes)
5. the tribunal is independent of the magistrate (judge)

Note that a judge is a magistrate and is not the tribunal. The tribunal is either the sovereign himself, or a fully empowered jury (not paid by the government).

13. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".

14. "Nisi prius" is a Latin term. Individually, the words mean thus: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless." Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate step to avoid it or procure its revocation."

15. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

16. It is a matter of right that one may demand to be tried in a court of record. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.

17. For tactical reasons, Commonwealth of Pennsylvania and/or the state and/or State, prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.

18. During arraignment choices for pleading are only guilty, not guilty, nolo contendere, but all three choices lead to the same jurisdiction, namely a statutory jurisdiction, not a common law jurisdiction. That is to say, the question to be decided is whether or not the statute was violated, not whether the common law was violated.

19. The dictionary does not lie in its definition of a nisi prius court but it does omit some important information. Namely, that it is a court that has been set up by prior agreement assumed because when the three statutory options [guilty, not guilty, nolo contendere] were presented to the defendant he chose one. He thus failed to enforce his right to be prosecuted in a court of record.

20. Once the agreement (as evidenced in the arraignment proceeding) has been secured, the court proceeds under statutory authority. Now the court ceases to be a court of record and becomes a court of no record by prior lack of objection, i.e. by prior agreement implied by failure to object.

21. Naturally, after securing the agreement, a nisi prius court can move on to examine the facts with a judge and jury, etc. etc.

22. The criminal court is an inferior court because it is operating according to special rules (criminal code) and not according to the common law. Even if its name is "Superior Court of" it is still an inferior court so long as it is operating according to some code or statutes rather than the common law. On the other hand, a court of record, so long as it meets the criteria, is a true superior court. The decisions and proceedings of an inferior court are not presumed to be valid. The inferior court can be sued in a superior court (that's called a "collateral attack"). In other words, the superior court (court of record) outranks the inferior court not of record."

23. Government Manipulation of Language. The first "trick" of the Government is the re-definition of certain critical words in each Statute (Act). The Government assumes the ordinary meaning of the word so as to trick the public into reading and interpreting the Statute in their favour. Here is a summary of some of the Trick Words. Two keywords that are re-defined in almost every Statute are the words "person" and "individual". There are at least two "person" in law: A natural-person is a legal entity for the human-being.

An artificial-person is a legal entity that is not a human being. (Here are the exact definitions from Barron's Canadian Law Dictionary, fourth edition (ISBN 0-7641-0616-3): natural person. A natural person is a human being that has the capacity for rights and duties. artificial person. A legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may be attached - e.g. a body corporate.)

24. The natural-person has the "capacity" (i.e. ability) for rights and duties, but not necessarily the obligation. The artificial-person has rights and duties that may be attached (i.e. assigned) by laws.

25. The second "trick" of the Government is to use the Interpretation Act to define words that apply to all Statutes, unless re-defined within a particular Statute. Without this knowledge, one could assume the ordinary meaning for the words one is reading, not realizing that they may have been defined by the Interpretation Act. Unless these words have been re-defined in another Statute, the underlying definitions for the two most important words still apply, either from the Interpretation Act, or the Canadian Law Dictionary. Basically, they are defined as follows:

- a. from the Canadian Law Dictionary one can find that:
individual means a natural person,
- b. from the Income Tax Act find the re-definition:
individual means an artificial person.
- c. from the Canadian Law Dictionary find that:
person means an individual (natural person) or incorporated group (artificial person),
- d. from the Interpretation Act find the re-definition:
person means a corporation (an artificial- person),
- e. from the Income Tax Act find the re-definition again:
person means an artificial person (amongst other things).

Exhibit 1 LAW OF THE CASE

26. In the Canadian Human Rights Act, one can see how individual and person are used and how they are applied to natural and artificial persons.

27. The third "trick" of the Government is to use the word "includes" in definitions instead of using the word "means". They do this in some critical definitions that they want misinterpreted. If they used "means" instead of "includes" then their deception would be exposed, but by using "includes" they rely upon the reader to assume that "includes" expands the definition, whereas in reality it restricts the definition in the same manner that "means" restricts the definition.

28. Here is a means definition of the word "person" from the Bank Act:
person means a natural person, an entity or a personal representative;

29. Here is an includes definition of the word "person" from the Interpretation Act:
person, or any word or expression descriptive of a person, includes a corporation
To expose their deception, substitute the word means or any word or expression descriptive of a person, means a corporation (viz. artificial-person)

30. Both "means" and "includes" are restrictive in scope because they only encompass part of the whole. Typically they are used in the following form:
person means A or B or C (and nothing else).
person includes A and B and C (and nothing else).

31. From the above example, one sees the logical difference. The list that follows means is constructed using "or", whereas the list that follows includes is constructed using "and".

32. There is a Legal Maxim that supports the restriction of "includes" which is as follows: *Inclusio unius est exclusio alterius*. The inclusion of one is the exclusion of another. The definition of the word include is key to understanding the potential loss of the natural-person. This is the major trick used by the Government in an attempt to take away natural-person rights. Unless this is known one voluntarily forfeits rights.

33. The fourth "trick" of the Government is to modify how the word "includes" is used in order to make an expansion in the definition when such expansion is required. This "trick" helps add confusion to the use of "includes" convincing most readers that "includes" should always be expansive rather than limiting. Here are some legitimate ways in which "includes" is modified to become expansive rather than restrictive:

- also includes
- and includes
- includes, without limitation,
- including
- including but not limited to

34. The expansive definitions usually take the following form:
person means A or B or C and includes D. (A,B, C and D). However, there is also a possibility that "and includes" is restrictive in some constructions. There are some people investigating this possibility right now. Their logic is demonstrated by the following example of a definition that states: province means a province of Canada and includes Ontario and Quebec.
So, if one presumes that "and includes" does provide expansion then one must ask why Ontario and Quebec had to be specifically mentioned when they are already part of a so-called province.

Exhibit 1 LAW OF THE CASE

35. The above construction clearly defines the scope of what is meant by province, that is a province of Canada (it does not say which one), and includes only Ontario and Quebec (compiled from a list of two from the original scope of all provinces). In this construction means provides the scope of the definition and includes provides the list of what is actually included in the definition.

36. The foregoing analysis is one interpretation, but is not the only interpretation. The use of "includes" in statutory definitions can be argued both ways and is the backbone of understanding interpretations.

37. With the presumption that "and includes" is restrictive, then we must take a very close look at the following definition, taken from the Interpretation Act:
province means a province of Canada and includes the Yukon Territory, the Northwest Territories and Nunavut .

38. With this presumption what is stated is: unless another statute re-defines province, the default definition of province only includes the Yukon Territory, the Northwest Territories and Nunavut.

39. So in order to not become absurd, we must allow for "and includes" to be expansive, however more work needs to be done on this subject before placing the last nail in the coffin, so to speak.

40. Barron's Canadian Law Dictionary does not provide definitions for "include" or "means" therefore we have to look in the next source for the definitions.

41. From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an inclosure, take in , attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Including may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb include is clearly restrictive and only has limited scope. On the other hand the participle, including (but not limited to) enlarges the scope.

42. Therefore the conclusion is that when used in a definition, include does not expand the existing definition of the word it is attempting to define.

43. It is easy to be confused because one naturally assumes the existing definition of the word, then assume include means to add this new interpretation to the existing assumed definition of the word. Our assumptions fail us in this case.

44. For the Doubting Thomas: If one looks into any statute, one will be able to find a definition that uses the word includes and attempts to broaden the scope of that word to include the ordinary meaning, finda that the statute will break down because it will not be able to support the inclusion of the ordinary meaning of the word.

45. The breakdown usually occurs when slavery is invoked.

46. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.

47. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal.

48. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.

49. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y.

50. CONFIRMATIO CARTARUM, October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. (See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.).

51. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

52. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

53. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.

54. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]

55. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

56. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

57. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Scherer v. Cullen, 481 F 946.]

58. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the

Exhibit 1 LAW OF THE CASE

people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

59. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.see Pennsylvania Constitution, all versions.

60. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

61. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

62. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

63. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

64. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times

Exhibit 1 LAW OF THE CASE

and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

65. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

66. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297, *Sources of Our Liberties* Edited by Richard L. Perry, American Bar Foundation]

67. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

68. If any claim, statement, fact, or portion in this action is held inapplicable or

not valid, such decision does not affect the validity of any other portion of this action.

69. The singular includes the plural and the plural the singular.

70. The present tense includes the past and future tenses; and the future, the present.

71. The masculine gender includes the feminine and neuter.

72. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

73. We the people of this state do not yield their sovereignty to the agencies that serve them.

74. Through the courts, Plaintiff encourages the government to obey the law.

75. That Modern Attorneys representing Defendants shall declare or affirm under penalty of perjury in his court filings and documents..

Exhibit 2

five (5) pages

Page 1 of 3
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/09/2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INFORMED CONSENT ACTION NETWORK,

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Defendant.

STIPULATION

18-cv-03215 (JMF)

WHEREAS, 42 U.S.C. § 300aa-27, entitled "Mandate for safer childhood vaccines," provides as follows:

(a) General rule

In the administration of this part and other pertinent laws under the jurisdiction of the Secretary [of the Department of Health and Human Services], the Secretary shall—

(1) promote the development of childhood vaccines that result in fewer and less serious adverse reactions than those vaccines on the market on December 22, 1987, and promote the refinement of such vaccines, and

(2) make or assure improvements in, and otherwise use the authorities of the Secretary with respect to, the licensing, manufacturing, processing, testing, labeling, warning, use instructions, distribution, storage, administration, field surveillance, adverse reaction reporting, and recall of reactogenic lots or batches, of vaccines, and research on vaccines, in order to reduce the risks of adverse reactions to vaccines.

...

(c) Report

Within 2 years after December 22, 1987, and periodically thereafter, the Secretary shall prepare and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the

actions taken pursuant to subsection (a) of this section during the preceding 2-year period.

WHEREAS, on August 25, 2017, Informed Consent Action Network (“ICAN”) submitted a Freedom of Information Act request (the “FOIA Request”) to the Department of Health and Human Services (“HHS” or the “Department”), which was assigned control number 2017-01119-FOIA-OS, that sought the following records:

Any and all reports transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by the Secretary of HHS pursuant to 42 U.S.C. §300aa-27(c).

WHEREAS, on April 12, 2018, ICAN filed a Complaint for Declaratory and Injunctive Relief in the United States District Court, Southern District of New York against HHS seeking records, if any, responsive to the FOIA Request;

WHEREAS, the HHS Immediate Office of the Secretary (“IOS”) maintains the official correspondence file of the Secretary of HHS, including reports to Congress by the Secretary of HHS, and therefore those files were most likely to contain records responsive to the FOIA Request;

WHEREAS, on June 27, 2018, HHS sent ICAN the following response to the FOIA Request.

The [Department]’s searches for records did not locate any records responsive to your request. The Department of Health and Human Services (HHS) Immediate Office of the Secretary (IOS) conducted a thorough search of its document tracking systems. The Department also conducted a comprehensive review of all relevant indexes of *HHS Secretarial Correspondence records maintained at Federal Records Centers* that remain in the custody of HHS. These searches did not locate records responsive to your request, or indications that records responsive to your request and in the custody of HHS are located at Federal Records Centers.

WHEREAS, ICAN believes the foregoing response from HHS now resolves all claims asserted in this action;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties by and through their respective counsel:

1. That the above-captioned action is voluntarily dismissed, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), each side to bear its own costs, attorney fees, and expenses; and

2. That this stipulation may be signed in counterparts, and that electronic (PDF) signatures may be deemed originals for all purposes.

Dated: July 6, 2018
New York, New York

KENNEDY & MODONNA LLP
Attorney for Plaintiff


By:


Robert F. Kennedy, Jr.
48 Dewitt Mills Road
Hurley, NY 12443
(845) 481-2622

Dated: July 6, 2018
New York, New York

GEOFFREY S. BERMAN
United States Attorney
Attorney for Defendant

By:


ANTHONY J. SUN
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
(212) 637-2810
anthony.sun@usdoj.gov

SO ORDERED:


HON. JESSE M. FURMAN, U.S.D.J.

Dated: New York, New York
July 6, 2018

Any pending motions are moot. All conferences are vacated. The Clerk of Court is directed to close the case.



For Immediate Release: July 13, 2018

US District Court Judge signs order granting Plaintiff, Informed Consent Action Network (ICAN) and counsel, Robert F. Kennedy, Jr., the relief sought in a lawsuit against the US Department of Health and Human Services (HHS)

On Monday, June 9th, the United States District Court for the Southern District of New York signed an order granting Plaintiff, the nonprofit Informed Consent Action Network (ICAN), the relief it sought against the Defendant, the United States Department of Health and Human Services, HHS. ICAN was represented by Robert F. Kennedy, Jr.

In May 2017, ICAN Founder, Del Bigtree, Robert F. Kennedy, Jr., and a handful of other individuals concerned about vaccine safety were selected by the White House to participate in a seminal meeting with the Counselor to the Secretary of HHS, the heads of the National Institute of Health, NIH, the Center for Disease Control, CDC, and Food and the Drug Administration, FDA. Del Bigtree and Robert F. Kennedy, Jr. suspected that HHS was not fulfilling its critical vaccine safety obligations as required by Congress in The National Childhood Vaccine Injury Act of 1986.

The 1986 Act granted unprecedented, economic immunity to pharmaceutical companies for injuries caused by their products and eviscerated economic incentive for them to manufacture safe vaccine products or improve the safety of existing vaccine products. Congress therefore charged the Secretary of HHS with the explicit responsibility to assure vaccine safety.

Hence, since 1986, HHS has had the primary and virtually sole responsibility to make and assure improvements in the licensing, manufacturing, adverse reaction reporting, research, safety and efficacy testing of vaccines in order to reduce the risk of adverse vaccine reactions. In order to assure HHS meets its vaccine safety obligations, Congress required as part of the 1986 Act that the Secretary of HHS submit a biennial reports to Congress detailing the improvements in vaccine safety made by HHS in the preceding two years.

ICAN therefore filed a Freedom of Information Act, FOIA, request on August 25th, 2017 to HHS seeking copies of the biennial reports that HHS was supposed to submit to Congress, starting in 1988, detailing the improvements it made every two years to vaccine safety. HHS stonewalled ICAN for eight months refusing to provide any substantive response to this request.



ICAN was therefore forced to file a lawsuit to force HHS to either provide copies of its biennial vaccine safety reports to Congress or admit it never filed these reports. The result of the lawsuit is that HHS had to finally and shockingly admit that it never, not even once, submitted a single biennial report to Congress detailing the improvements in vaccine safety. This speaks volumes to the seriousness by which vaccine safety is treated at HHS and heightens the concern that HHS doesn't have a clue as to the actual safety profile of the now 29 doses, and growing, of vaccines given by one year of age.

In contrast, HHS takes the other portions of the 1986 Act, which require promoting vaccine uptake, very seriously, spending billions annually and generating a steady stream of reports on how to improve vaccine uptake. Regrettably, HHS has chosen to focus on its obligation to increase vaccine uptake and defend against any claim vaccines cause harm in the National Injury Vaccine Compensation Program (aka, the Vaccine Court) to such a degree that it has abandoned its vaccine safety responsibilities. If HHS is not, as confirmed in Court this week, even fulfilling the simple task of filing a biennial report on vaccine safety improvements, there is little hope that HHS is actually tackling the much harder job of actually improving vaccine safety.

For additional information or interviews please contact:

Catharine Layton, COO, ICAN

cat@icandecide.org (512) 522-8739

Exhibit 3

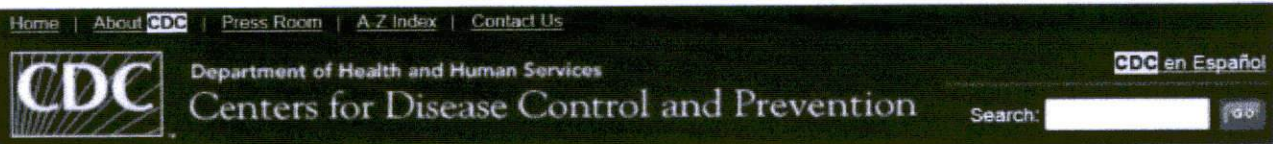
two (2) pages

This is Google's cache of http://www.cdc.gov/vaccinesafety/updates/archive/polio_and_cancer_factsheet.htm. It is a snapshot of the page as it appeared on 11 Jul 2013 06:49:38 GMT. The [current page](#) could have changed in the meantime. [Learn more](#)

Tip: To quickly find your search term on this page, press **Ctrl+F** or **⌘-F** (Mac) and use the find bar.

These search terms are highlighted: **cdc** **polio** **cancer** **fact sheet**

[Text-only version](#)



Vaccine Safety

[Vaccine Safety Home](#) > [Updates](#)

Vaccine Safety Basics

- > [Information for Parents](#)
- > [Why It's Important to Monitor Vaccine Safety](#)
- > [How Vaccines Are Tested and Monitored](#)
- > [Common Questions](#)
- > [Vaccine Safety Updates](#)
 - > [Vaccine Adjuvants](#)
 - > [Human Papillomavirus \(HPV\) Vaccine](#)
 - > [MMR Vaccine](#)
 - > [MMRV Safety Monitoring of Febrile Seizures](#)
 - > [Mercury and Vaccines \(Thimerosal\)](#)
 - > [Questions About Multiple Vaccines](#)
 - > [Questions About Vaccine Recalls](#)
 - > [Fainting \(Syncope\) After Vaccination](#)
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 - > [Sudden Infant Death Syndrome](#)
 - > [Hepatitis B Vaccine and Concerns about Multiple Sclerosis](#)
 - > [Haemophilus Influenzae Type B \(Hib\) Vaccine](#)
- > [History of Vaccine Safety](#)

Public Health Activities

- > [Vaccine Adverse Event Reporting System \(VAERS\)](#)
- > [Vaccine Safety Datalink \(VSD\) Project](#)
- > [Clinical Immunization Safety Assessment \(CISA\) Network](#)
- > [Brighton Collaboration](#)
- > [Vaccine Technology](#)
- > [Emergency Preparedness](#)
- > [Publications](#)
- > [Scientific Agenda](#)

Cancer, Simian Virus 40 (SV40), and Polio Vaccine Fact Sheet

- SV40 is a virus found in some species of monkey.
- SV40 was discovered in 1960. Soon afterward, the virus was found in **polio** vaccine.
- More than 98 million Americans received one or more doses of **polio** vaccine from 1955 to 1963 when a proportion of vaccine was contaminated with SV40; it has been estimated that 10–30 million Americans could have received an SV40 contaminated dose of vaccine.
- SV40 virus has been found in certain types of **cancer** in humans, but it has not been determined that SV40 causes these cancers.
- The majority of scientific evidence suggests that SV40-contaminated vaccine did not cause **cancer**; however, some research results are conflicting and more studies are needed.
- **Polio** vaccines being used today do not contain SV40. All of the current evidence indicates that **polio** vaccines have been free of SV40 since 1963.

Additional Facts

- In the 1950s, rhesus monkey kidney cells, which contain SV40 if the animal is infected, were used in preparing **polio** vaccines. Because SV40 was not discovered until 1960, no one was aware in the 1950s that **polio** vaccine could be contaminated.
- SV40 was found in the injected form of the **polio** vaccine (IPV), not the kind given by mouth (OPV).
- Not all doses of IPV were contaminated. It has been estimated that 10–30 million people actually received a vaccine that contained SV40.
- Some evidence suggests that receipt of SV40-contaminated **polio** vaccine may increase risk of **cancer**. However, the majority of studies done in the U.S. and Europe which compare persons who received SV40-contaminated **polio** vaccine with those who did not have shown no causal relationship between receipt of SV40-contaminated **polio** vaccine and **cancer**.

More Information

- For in-depth information about SV40, **polio** vaccine, and **cancer**, see our [frequently asked questions](#).
- National Immunization Hotline:
English 1 (800) 232-2522
Spanish 1 (800) 232-0233

Page last modified: October 22, 2007
Content source: [Immunization Safety Office](#)

CDC Admits 98 Million Americans Were Given Cancer Virus Via The Polio Shot

healthupdatz.com/2018/07/24/cdc-admits-98-million-americans-were-given-cancer-virus-via-the-polio-shot
admin July 23, 2018

By admin -
July 24, 2018

175

The CDC has admitted that between 1955–1963 over 98 million Americans received one or more doses of a polio shot which was contaminated with a cancer-causing virus called Simian vacuolating virus 40 (SV40). The CDC quickly took down the page, along with Google, but the site was luckily cached and saved to symbolize this grand admission.

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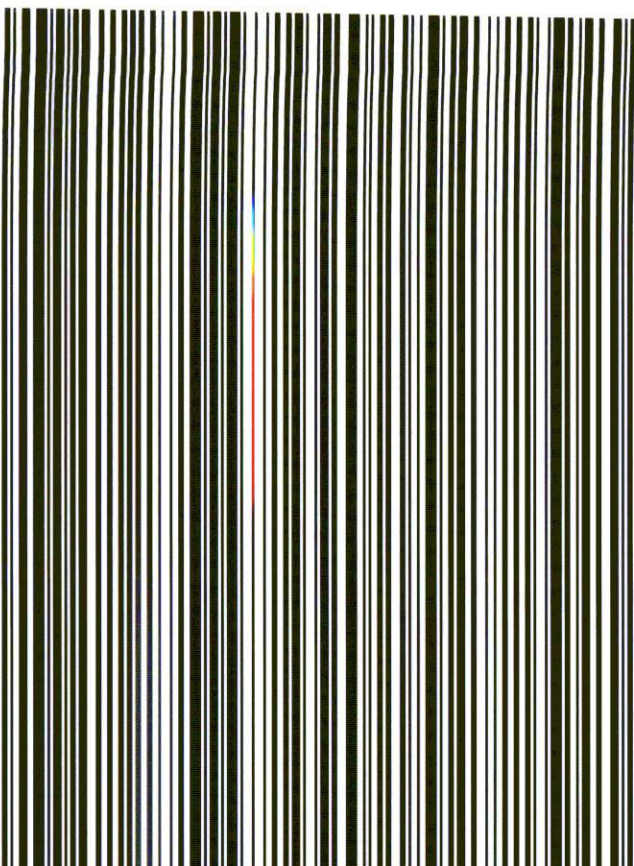
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